The Duties of Overseers of the Poor, and the Sufficiency of the present System of Poor Laws considered, in

A

CHARGE

DELIVERED TO THE GRAND JURY,

AT THE GENERAL QUARTER SESSIONS OF THE PEACE

For the Isle of Ely,

HOLDEN ON 2 APRIL, 1799,

By JAMES NASMITH, D.D. Chairman.

Published at the Request of the Magistrates.

To which are annexed,

REMARKS

On a late Publication, entitled,

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1799

CHANGE

A CHARGE, &c. &c.

Gentlemen of the Grand Jury,

THE General Seſſions of Oyer and Terminer and Gaol Delivery, lately holden here before our worthy Chief Juſtice, will have ſo much abridged your taſk as to leave you little or nothing to do. Under theſe circumſtances any particular directions from me would be ſuperfluous and unneceſſary. Following therefore the example of the Gentlemen who have before me preſided in this Court, and who, with great reputation to themſelves, and much benefit to community, have been accuſtomed to addreſs the Grand Juries upon any general ſubject relating to the police and good government of the country, to

the maintenance of peace and tranquillity, and to the due execution of the laws;—I ſhall requeſt your attention to ſome remarks on one branch of our public laws, in the execution of which you are all liable to be called in turn to aſſiſt, and in the due execution of which you are all highly intereſted. I mean, Gentlemen, the Statutes enacted for the ordering, management, and relief of the poor.

It is a ſubject which has of late been much diſcuſſed, and which has employed the thoughts and the pens of many perſons of exalted rank and eminent abilities. Amongſt theſe, the Right Honorable Gentleman, who has long borne a diſtinguiſhed part in the adminiſtration of this kingdom, and to the integrity of whoſe mind, to the intrepidity of whoſe conduct, and to the wiſdom of whoſe meaſures, his country is ſo much indebted, brought a Bill into the Houſe of Commons about two years ago, by which the whole ſyſtem of the Poor Laws was to be altered, new offices were to be created, and new regulations framed, as well for the ordering as for the relief of the poor. The Right Honorable Gentleman with great candor ſent copies

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of his Bill to the acting magiſtrates throughout the kingdom, and on receiving their opinions, he found the objections to his ſcheme ſo numerous and ſo weighty, that he immediately laid it aſide. Nor can we be ſurpriſed that a mind perpetually occupied in watching over the deareſt intereſts of his country, in detecting the ſecret machinations of domeſtic foes, and in repelling the open attempts of foreign enemies; in protecting and extending the trade and commerce, and in ſupporting the public credit of the nation: we cannot be ſurprized that ſuch a mind ſhould be little acquainted with the common details of rural life, and be, in a great meaſure, a ſtranger to the police of a village, or the domeſtic economy of a cottage.

The Right Honorable Gentleman, in common with moſt writers on the ſubject, founded his ſcheme on the ſuppoſed inefficiency of the preſent ſyſtem of our Poor Laws. The ates, they ſay, have rapidly increaſed, there- ore the laws are inadequate to the ends for hich they were intended. But before this nclusion can be admitted, it ſhould be own there are not other cauſes to which

this increaſe of parochial burdens may, if not wholly, in great meaſure be attributed: and it ſhould be further ſhown, that the laws we now have are fully executed.

Now there are ſundry other cauſes which have very largely contributed to the increaſe of the Poor Rates:—firſt, an increaſing population, which, as it has multiplied the numbers of the lower claſſes in ſociety, ſo it has multiplied, at leaſt in the ſame proportion, the objects of relief:—ſecondly, a gradual alteration in the modes and habits of life, which has pervaded all orders of men, and which, however it may be accompanied with exceſs in great and populous towns, and in the ſeats of extenſive manufactories, has not, I believe, in general exceeded the bounds of decent comfort among the rural poor. And I am perſuaded none of you will conſider it as a matter of regret, that the wheaten loaf is now eaten in the cottage, or that your labourers are enabled, once or twice in the week, to recruit their ſtrength with animal food. Yet, however allowable this change of diet, as it has increaſed the expenſes of the labourer, ſo it has more frequently reduced

him

him to the neceſſity of applying for relief when under the preſſure of ſickneſs, or the want of employment. A third and obvious cauſe is the great advance in the price of every article of neceſſary conſumption, which has had the ſame effect. All theſe cauſes, Gentlemen, have largely contributed to the increaſe of the Poor Rates: they are in their nature permanent, and cannot be counteracted by any regulations of the ſtate: the increaſe of the rates has been the inevitable conſequence of an increaſing population, of a high degree of civilization and refinement, and of the influx of riches from the extenſion of commerce.

There is ſtill a fourth cauſe, which though but temporary, has, while it ſubſiſts, a very conſiderable effect on your Poor Rates. I mean the ſums paid in bounties to militia men, in allowances to their families, and in the execution of the ſeveral acts for the proviſional cavalry, and for raiſing men for the army and navy. You will not, I truſt, deem theſe payments an evil when you recollect the very great evils from which they have been the means of preſerving you:

neither

neither will you conſider them as burdens, when you call to mind from what heavy and inſupportable burdens they have protected you. You will remember theſe meaſures are neceſſary to your defence:—and whatever part of your property may by theſe or other laws be required, I am perſuaded you will contribute what is ſo required chearfully and readily to ſave the whole from the boundleſs rapine and extortion of your inveterate enemies, whoſe ſteps wherever they have gained admiſſion, have been attended with univerſal ruin and deſolation.

I have mentioned to you the various cauſes which have concurred in increaſing the Poor Rates: but after making every allowance for the effects ariſing from them, the queſtion ſtill remains whether theſe cauſes will fully account for the increaſe. I grant they will not. A ſecond queſtion therefore ariſes, whether the increaſe of the Poor Rates, ſo far as it cannot be accounted for from the cauſes I have mentioned, is to be attributed to the defectiveneſs of the preſent ſyſtem of Poor Laws. The experience of upwards of twenty years, during which I have been an

attentive

attentive obſerver of the general conduct of pariſh officers, has convinced me, that the evil has not ariſen from any defect in the laws themſelves, but from the imperfect manner in which they are carried into execution. It is for this reaſon, Gentlemen, that I now addreſs you on this ſubject, perſuaded that a remedy to an evil ſo univerſally complained of, is to be ſought, not by petitioning parliament for new laws, not by hazarding the experiment of new and untried ſchemes of policy, but by a diligent attention to the rules which the wiſdom of our anceſtors has preſcribed, and by a ſtrict conformity to the ſpirit of the laws now exiſting. How much the general practice of the country falls ſhort of the true ſpirit and meaning of the ſtatutes, will be apparent to you from a brief compariſon of the one with the other.

I begin with the perſons to whom the execution of theſe laws is chiefly entruſted. By Stat. 43 *Eliz.* c. 2. § 1. it is enacted, that, "the churchwardens of every pariſh, and "four, three, or two ſubſtantial houſeholders "there, to be nominated yearly by the ma- "giſtrates of the diſtrict, ſhall be called

"Overſeers

"Overſeers of the Poor." You will obſerve that the number is in no pariſh to be leſs than four, and that in larger pariſhes it may be extended to ſix:—that of this number two, the churchwardens, are wholly in the nomination of the miniſter and pariſhioners; and that though the appointment of the reſt is veſted in the magiſtrates, yet the practice now is, and probably ever has been, for the pariſhioners in a veſtry to make a liſt of perſons in their judgment proper for the office, and for the magiſtrates to nominate the two firſt in ſuch liſt to be overſeers for the enſuing year, except cauſe is ſhewn to them why they ſhould deviate from this general courſe of practice, or that they know thoſe recommended by the veſtry to be ill qualified for the office. And this practice, though founded on cuſtom rather than ſtatute, is a very reaſonable one; for, unleſs in caſes where there is a magiſtrate reſident in the pariſh, it is ſeldom that the bench can have that diſtinct knowledge of the characters, abilities, and diſpoſitions of the ſeveral inhabitants neceſſary to direct them in their appointment, without ſuch previous recommendation. The choice therefore in fact reſts almoſt wholly in the

the pariſhioners. It is a great and important truſt which is thus repoſed in them, but how is it fulfilled? Is it not univerſally the caſe, that no degree of real choice or diſcrimination is exerciſed:—that no regard is paid to character, ability, or diſpoſition:—that the inexperience of youth juſt entering into life, or the decrepitude of old age ready to ſink into the grave, are not conſidered as exemptions:—that the moſt flagrant and notorious defects of character and conduct are no obſtacles to your choice:—that in forming your liſts, the only rule by which you are guided is rotation, and your only ſtudy that the office may be impoſed in turn upon every one, however viſible and glaring his unfitneſs for it: or if there ever exiſts a conteſt and variety of opinion, the ſtruggle is not who ſhall, but who ſhall not be choſen. Now while you thus truſt the expenditure of the public ſtock indiſcriminately to every one by turn, you cannot be ſurpriſed to find that the money is frequently improvidently expended, and that your burthens are unneceſſarily increaſed. I am perſuaded you do not regard the management of your private concerns with the ſame indifference as

you view the direction of the public affairs of your pariſhes: nor would you chooſe a bailiff to ſuperintend the economy of your farms, to hire and pay your labourers, and to manage your lands and your ſtock, with that careleſſneſs and inattention to the qualifications requiſite to the office, as you nominate officers to manage, order, and relieve the poor. You well know that ſuch a conduct muſt, in the former caſe, end in ruin; and it requires little reflection to diſcern that in the latter, by unneceſſarily increaſing the public expenſe, you are at the ſame time diminiſhing your private ſubſtance.

Here then, Gentlemen, is one great ſource of the evils complained of:—they have ariſen from your not being careful to chooſe from amongſt you, men of good repute whom we may appoint over this matter. It is a valuable privilege that you are entruſted with the expenditure of the money which you raiſe for the ſupport of your poor, and that it is placed under the management of officers of your own choice. And ſurely it behoveth you ſo to exerciſe this privilege, as not, through the neglect or abuſe of it, to force

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the legiſlature to take it from you. It is at preſent much neglected and much abuſed: but it requires no new ſtatute to remedy the neglect, and to remove the abuſe:—and indeed, except the attention of the reſpectable inhabitants of each pariſh can be awakened to take an active part in parochial concerns, I know not what new regulations could be made, that would prove more effectual than the preſent.

It will perhaps be ſaid, that the general duties of the office are attended with more trouble than men of reſpectability chooſe to ſubmit to:—that the utmoſt that can or ought to be expected from them, is to ſerve the office by deputy when it comes to their turn; and that it would be unreaſonable to look for their voluntary ſervices, or to require them to take more than their proportionate ſhare of the burden. I lament, that in an enlightened age, and in a chriſtian country, the fulfilling the common duties of humanity ſhould by any be deemed a burden. The Poor Laws have created no new duty, nor impoſed any new obligation;—they are only the dictates of national wiſdom for the regu-

lation and direction of a duty previouſly exiſting—they do no more than enforce, by legal ſanctions, an obligation ariſing from the precepts of morality, and the commands of religion. Not only ſound policy, but a far ſuperior authority teaches us, that the abundance of ſome ſhould ſupply the wants of others. This fundamental rule is the great bond which holds together the various ranks in ſociety:—incalculable are the evils which muſt ariſe, if it be either neglected or violated. You have therefore every motive of genuine patriotiſm and true piety to impel you to uſe your utmoſt efforts that this great duty may be moſt punctually diſcharged, and this ſolemn obligation moſt ſtrictly obſerved. Think not, Gentlemen, that I forget the place in which I am ſpeaking, or the character in which I now addreſs you: the argument I uſe is neither unſuitable to the place from which I now ſpeak, nor to the office which I now diſcharge. The only ſtable ſupport of government is religion:—and the beſt means of preſerving and tranſmitting unimpaired to poſterity the excellent conſtitution under which we and our forefathers have ſo long happily lived, is,

that

that we diſcharge every office, and fulfil every duty of civil life, not merely from compulſion, but from the ſuperior motives of principle and conſcience.

I call, Gentlemen, upon you, and upon men of your rank and ſtation in every pariſh, to ſtep forth and to take upon you the offices of your pariſh: becauſe from the ſuperior advantages you poſſeſs from education, you will, without difficulty, if you bend your attention to the ſubject, comprehend the real duties of theſe offices, the powers belonging to them, and the limits and reſtrictions under which ſuch powers muſt be exerciſed: and becauſe from your independence you will not be biaſſed by mean and ſordid motives to abuſe the truſt. After a long continuance in error, and in the neglect and perverſion of the laws, it is from ſuch as you that I expect the example of their due execution:—it is from the influence of men of your rank that I look for the prevention of the return of former abuſes, and of the repetition of former errors. The example once ſet, there will be found in every pariſh men, in humbler ſituations, of plain good ſenſe,

ſenſe, and upright diſpoſitions, who aſſiſted with your counſel, and ſupported by your influence, would be both willing and able to follow it.

But though the general duties of an overſeer of the poor, being little more than the common duties of humanity, cannot be eſteemed burdenſome, yet there are two adventitious circumſtances, which deter many honeſt upright and intelligent men taking from this office. The firſt of theſe circumſtances is a cuſtom prevalent in very many pariſhes, of obliging the acting overſeer to advance his own money for the relief of the poor, which he is not reimburſed by a rate till the portion of the year for which he is ſaid to ſerve is near expiring. This is indeed to impoſe upon overſeers a very heavy burden: but it is not the law that has impoſed it; it has ariſen from the violation of the law. For though an overſeer is allowed to repay himſelf what he has advanced, out of monies that afterwards come into his hands, yet he cannot make a rate expreſsly for that purpoſe. Rates can be made only to provide for future expenſes, and not to diſcharge thoſe that are

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paſt. From the clauſes in the ſtatutes of 43 *Eliz.* c. 2. and 17 *Geo.* 2. c. 38. obliging overſeers, at the expiration of their office, to pay over to their ſucceſſors ſuch ſums of money as ſhall be in their hands, it plainly appears to be the intention of the legiſlature, that the public ſtock ſhould never be entirely exhauſted; but that rates ſhould conſtantly be made and levied for repleniſhing it before the whole is expended. The power of making rates is in the churchwardens and overſeers of every pariſh, who are to raiſe weekly, or otherwiſe, by taxation of every inhabitant, a convenient ſtock of materials to ſet the poor on work, and alſo competent ſums for the neceſſary relief of the aged and infirm, and for putting poor children apprentices. I know it is cuſtomary for officers, in the exerciſe of this power, to act with the concurrence of their veſtries, and the cuſtom is a laudable one. But if veſtries aſſume to themſelves powers with which they are not entruſted, if they arrogate to themſelves a right of denying and withholding rates, and, inſtead of concurring with their officers in keeping up the public ſtock, and making it at all times adequate to the demands upon it,

they

they unreaſonably expect them to advance their own money, then I hold that the officers not only may, but that they ought, in purſuance of the direction of the ſtatute, to make and collect a rate by their own authority: only obſerving that ſuch rate muſt be the act of the major part of them, that it muſt be allowed by two juſtices, and be publiſhed in the church on the Sunday immediately following ſuch allowance. In many pariſhes theſe forms are much neglected, but the neglect of forms preſcribed by the legiſlature is attended with hazard as well as folly: except a majority of the officers concur in making the rate, and unleſs it be duly allowed and publiſhed, it cannot be recovered from any defaulter.

You will have obſerved, that the ſtatute I have cited of Queen Elizabeth, directs the taxation to be raiſed weekly or otherwiſe, and you may in this diſcern the plain ſimplicity of manners, and the regularity of life and piety of your anceſtors. Before rates were eſtabliſhed by ſtatute, the poor were maintained by the voluntary contributions of the inhabitants of each pariſh, and their alms were

weekly

weekly received at the church every Sunday. When theſe payments from voluntary became compulſatory, and the legiſlature thought proper to define the proportion in which every one ſhould contribute, the mode of payment ſeems ſtill to have continued the ſame; and it yet bore ſo far the appearance of a freewill offering, as to be tendered to the officers without any trouble on their part. But the times are now much altered: and the ſecond circumſtance which renders the office really burdenſome, is the infinite trouble and fatigue which, in large pariſhes, attend the collection of the rates. But to this evil the laws have provided a very adequate remedy. There are almoſt in every pariſh too many who ſtudiouſly increaſe the trouble of pariſh officers, and who will not pay their quota till after frequent and repeated applications. Such men, Gentlemen, deſerve neither favor nor indulgence; and I adviſe all officers, after having once demanded the rate, if it be not paid in a very ſhort time without any further application on their part, to return the names of all ſuch defaulters to the magiſtrates, and to uſe the legal means of enforcing payment. Such a conduct,

ſteadily purſued, would quickly leſſen the number of defaulters, and greatly abridge the trouble of the officers.

If there be any other circumſtances apt to diſguſt men of ſubſtance and reſpectability, and to deter them from taking the office upon them, I truſt they will be removed by a bill now depending in parliament to enable pariſhes to appoint aſſiſtant overſeers, and to allow them a ſalary. If this be done under proper reſtrictions, it may have very good effects. The wiſdom of the legiſlature will doubtleſs carefully guard againſt abuſe: they will, it is to be hoped, make the aſſiſtant overſeer only a ſubordinate officer, to execute the orders and directions of the other overſeers, to collect the rates, and to keep the acccounts of the pariſh; and that the power of judging upon, guiding, and directing the affairs of the poor, will be ſtrictly confined to the hands in which it is now placed.

I have, Gentlemen, entered thus largely into the neceſſity there is for the moſt careful diſcrimination and guarded choice in the appointment of pariſh officers: becauſe on their being

being properly choſen reſts every hope of reforming exiſting abuſes, and remedying exiſting evils. I have conſidered every obſtacle that can be ſuppoſed to deter men of character, ſubſtance, and reſpectability from more frequently taking theſe offices upon them. I have ſhewn you that theſe obſtacles have ariſen in ſome caſes from the neglect, in others from the direct violation of the ſtatutes: and therefore to recall our practice to the regulations preſcribed by law, the very purpoſe for which I deſire ſuch men to take theſe offices upon them, will be at the ſame time to remove the obſtacles of which they complain. I ſhall now lay before you the duties of overſeers when choſen, becauſe it is only by a compariſon of theſe duties, as preſcribed by ſtatute, with the general practice, that I can hope to convince you of the neceſſity of a reform, or of the practicability of accompliſhing it under the laws now exiſting.

The ſtatute of 43 *Eliz.* after having in the firſt ſection declared the general duties of overſeers, goes on to enact, "That the ſaid "churchwardens and overſeers ſhall meet "together at leaſt once in every month, upon

" the Sunday in the afternoon after divine " ſervice, there to conſider of ſome good " courſe to be taken, and of ſome meet order " to be ſet down in the premiſſes," and inflicts a penalty of twenty ſhillings on every one who ſhall abſent himſelf. Now, as I have already obſerved to you that the ſtatute commits the management of the poor to four perſons at leaſt in every pariſh, ſo it appears to have been the intent of the legiſlature that this ſhould be done by all of them conjointly; that they ſhould hold regular meetings for this purpoſe, and that, with due advice and deliberation had among themſelves, they ſhould conſider of ſome good courſe and meet order to be taken in the premiſſes: and that they might not aſſemble and ſeparate without coming to ſome certain concluſion, nor the regulations adopted be forgotten and neglected in their future conduct, they are further required to ſet them down, that is to commit them to writing. How different this orderly and deliberate mode of proceeding from the practice now generally purſued: in which we find the churchwardens wholly withdrawing themſelves from their duty, though the ſtatute expreſsly ſays,

that

that they, with the perſons nominated by the magiſtrates, ſhall be overſeers of the poor; and the overſeers themſelves, inſtead of acting in concert, dividing the year between them, each taking the ſeparate management and direction during ſix months. Thus are the evils, ſo juſtly to be apprehended from the choice of perſons ill qualified for the office, increaſed tenfold, by ſuch perſons being left to act without aſſiſtance, and without controul:—and thus are pariſh concerns carried on without any fixed ſyſtem, or judicious rules: and the management of them is perpetually varying, with the ignorance, the caprice, and the folly of every individual, who chances to have the direction. Now, Gentlemen, can you wonder that affairs thus conducted ſhould be badly conducted, or that money thus expended ſhould be improvidently expended. The evils that ariſe from hence, and the burdens that are thus unneceſſarily brought upon pariſhes, are not the conſequence of any defect in our Poor Laws, but they ſpring from the wilful neglect and contempt of thoſe laws. Every pariſh may put a ſtop to the evil, and lighten the burden, by recalling the good old practice

tice of their forefathers;—by care in the choice of their officers, and by obliging theſe officers to act in concert with the judgement and deliberation the law requires, and under the reſtrictions and limitations which the law has impoſed upon them.

The duty of overſeers naturally divides itſelf into two great branches—the Relief and the Employment of the Poor. As to the firſt, the ſtatute of Elizabeth left it to the diſcretion of the overſeers, who were empowered to raiſe money by rate, "for the "relief of the lame, impotent, old, blind, and "ſuch other among them being poor and "not able to work." But the ſtatute having provided no controul over them in the exerciſe of this diſcretion, and it becoming at length the ſource of many abuſes, the legiſlature, by a ſubſequent act paſſed in 3 *W.* and *M.* withdrew the power from the pariſh officers, and placed it in the inhabitants at large. This latter ſtatute is a very judicious one, but is ſo little known or regarded by pariſh officers, that I hold it neceſſary for me to lay before you its proviſions at large. It recites, "That many inconveniencies had-

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" ariſen by reaſon of the unlimited power " of churchwardens and overſeers, who fre- " quently upon frivolous pretences, and for " their private ends, give relief to what per- " ſons, and in what number, they think fit: " and ſuch perſons being entered into the " collection bill, become after that a great " charge to the pariſh, notwithſtanding the " occaſion or pretence of their receiving col- " lection hath ceaſed: and that the Poor " Rates are thence daily increaſing." Really, Gentlemen, whoſoever reads this part of the ſtatute without attending to the date of it, will ſuppoſe he is reading a detail of abuſes now exiſting. And they certainly do now exiſt in contempt of the law provided a hundred years ago for their remedy. For the ſtatute goes on to enact, " that in every pariſh a book " or books ſhall be provided and kept, wherein " the names of all ſuch perſons who receive " collection ſhall be regiſtered, with the day " and year when they were firſt admitted to " have relief, and the occaſion that brought " them under that neceſſity." And the act further directs, " that yearly in Eaſter week, " or as often as is thought convenient, the " pariſhioners ſhall meet in veſtry, and the

" names

"names of all perſons receiving collection "ſhall be called over, and the reaſons of "their taking relief examined, and a new "liſt made and entered of ſuch perſons as "they ſhall think fit to allow to receive col-"lection: and that no other perſon ſhall be "allowed to have or receive collection at the "charge of the pariſh, but by authority un-"der the hand of one juſtice of the peace "reſiding within the pariſh, or (if none be "there dwelling) in the parts near or next "adjoining, except in caſes of peſtilential "diſeaſes, plague or ſmall-pox, in reſpect of "families therewith infected." But it was found that the power here reſerved to the magiſtrates of ordering relief came in time to be abuſed, "that applications were frequently "made to them without the knowledge of "the pariſh officers, and that many, upon "untrue ſuggeſtions and falſe and frivolous "pretences, obtained relief, to the great "increaſe of the poor rates:" it was therefore enacted, by ſtat. 9. *Geo.* 1. c. 7. "that no juſtice "ſhall order relief until oath be made before "him of ſome reaſonable cauſe or ground "for having relief, and that the party has "made application to the pariſhioners in veſtry,

"veſtry, or to two overſeers, and until the "juſtice ſhall have ſummoned two of the over- "ſeers to ſhew cauſe why ſuch relief ſhould "not be given."

Now, Gentlemen, it ſhould ſeem, that they who ſo poſitively aſcribe the increaſe of the Poor Rates to the deficiency of the Poor Laws, muſt have formed their opinion rather from the general conduct of pariſh officers, than from an attentive conſideration of the laws themſelves, and that they are not aware how greatly the practice and the law are at variance. You aſſuredly muſt allow, that the regulations in the ſtatutes I have cited, when properly enforced, are ſufficient to remove every abuſe; and it cannot be pretended that there is any difficulty in enforcing them. But if the laws now exiſting are ſuffered to remain a dead letter, what is to render any new laws that can be enacted more effective. The ſame indolence and ſupineneſs which prevents the execution of thoſe we now have, would equally deprive us of the benefits intended by future laws. You will, Gentlemen, particularly obſerve, that the ſtatute of *William* and *Mary*

has rendered the office of your overſeers in a great meaſure miniſterial, and has taken from them the power of judging and determining when to grant relief, and when to withhold it, and has placed this power in the inhabitants at large. But it is a power veſtries too ſeldom exert, and overſeers too often aſſume: and hence do abuſes ariſe. Overſeers, by the ſtatute of *William* and *Mary*, are forbidden to give relief "but to families "infected with peſtilential diſeaſes, the "plague, or the ſmall-pox;" in the ſtatute of *George* 1. the reſtriction is in more general terms, "except on ſudden and emergent oc-"caſions:" now overſeers taking upon themſelves to determine what occaſions are ſudden and emergent, have very unduly and unwarrantably included almoſt every caſe in the number. But when power is thus abuſed, the remedy is in the hands of the pariſh, who may and ought to proſecute and recover from the offending overſeer the penalty inflicted by the ſtatute. If I may be allowed to compare ſmall things with great, the diſtinct provinces of veſtries and overſeers may be thus illuſtrated: as parliament alone can vote the ſums that ſhall be applied to every part of

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the public ſervice, and in the exerciſe of this power are aſſiſted by the eſtimates laid before them, by the ſervants of the crown, of what ſums will be neceſſary for each particular ſervice:—ſo the power of granting relief to the poor lies in the inhabitants aſſembled in veſtry, but to aſſiſt them in the due exerciſe of this power, it is the duty of overſeers, when they lay ſuch applications before them, at the ſame time to inform them of the character, conduct, and real ſituation of the party applying for relief. The intervention of the magiſtrate is only to prevent any abuſe of the power: and where pariſhes attend as they ought to do to their affairs, this intervention is rarely neceſſary.

Having ſhown you, what ſeems in general to be little underſtood, by whom relief may be granted, I ſhall now lay before you a few remarks on who are the proper objects of relief, and how that relief may be beſt adminiſtered. The relief applied for is either permanent or caſual. The objects of permanent relief, beſides particular caſes, ſuch as of lameneſs, blindneſs, idiotiſm, or lunacy, are the helpleſſneſs of infa cy, and the infir-

mities of old age. The wants of theſe objects may be relieved either by pecuniary aſſiſtance afforded them at their reſpective dwellings, or by receiving and maintaining them in houſes provided at the public expenſe for that purpoſe. And in no one inſtance relating to the Poor Laws is the exerciſe of judgement and diſcernment more neceſſary than in determining to which of theſe modes of relief the preference ſhould be given. The police of no pariſh can be perfect without the eſtabliſhment of a workhouſe: but it is to be regretted, that the means of very few pariſhes are adequate to the eſtabliſhment of ſuch a workhouſe as will fully anſwer the purpoſes intended. In workhouſes, as generally conſtituted, are admitted the young and the old, the lazy and the profligate, thoſe who cannot and thoſe who will not work:—thoſe who are reduced by calamity, and whom the hand of God has inflicted, and thoſe whoſe diſtreſſes have been brought upon them by their follies and their vices. All theſe are made indiſcriminately to inhabit the ſame apartments, and are permitted unreſtrainedly to converſe together. Under theſe circumſtances, Gentlemen,

men, the fewer young people you admit into your workhouſes the better;—for no diſcipline of the houſe can counteract the contagion of the bad examples they will have perpetually before them: no inſtruction there given can be a ſufficient guard againſt the immoral diſcourſes they will there daily hear, or the indecency of behaviour they will there daily be ſpectators of. And therefore when either orphan or fatherleſs children require the ſupport of the pariſh, if the ſurviving parent in one caſe be of good reputation for honeſty, ſobriety, and induſtry;—or if in the other caſe there be any more diſtant relation of like character, who will take the charge of them, I adviſe your committing them to their care rather than to bring them up in your workhouſe. I am perſuaded that, in ſuch caſes, they will not only be better, but even cheaper educated by their ſurviving parents and relations than you can do it in your workhouſes. I ſcarcely need to add, that, in the caſe of families too numerous for the parents to maintain, it will be better to aſſiſt the parents, when of good character, than to remove the children from them. There is alſo another circumſtance which

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ſhould have much weight with you. It has been found by experience, even in the beſt regulated workhouſes, ſuch as have been eſtabliſhed in incorporated diſtricts, where the objections I have mentioned are, or at leaſt might be, obviated by having a ſeparate building for the reception of children; that from ſuch houſes being much cloſer and warmer than the cottages of their parents, and from their employment there being chiefly within doors, the children brought up in them generally fail of acquiring that activity of diſpoſition and robuſtneſs of conſtitution requiſite in the ſphere of life to which their birth and ſtation in ſociety deſtine them: that they come forth puny beings ſhivering at every breeze, and rarely turn out good and uſeful, either as ſervants or as labourers.

Motives of humanity, Gentlemen, influence me to give you the ſame advice as to the aged, as I have juſt given in regard to the young. I am ſenſible that in parochial concerns economy muſt never be loſt ſight of. But in a great number of caſes the aged poor may be as cheaply maintained at home as in your workhouſes: moſt pariſhes have ſome

cottages at their diſpoſal in which they may be placed; many of them may have children ſettled in the ſame pariſh, who, with a little aſſiſtance, will be glad to make the laſt days of their parents eaſy and comfortable: where ſuch opportunities occur, your benevolence will prompt you to avail yourſelves of them: where they do not, and you are obliged to take them into your workhouſes, you will omit no means in your power to guard them from the vexations too often accompanying ſuch a ſituation, and, as far as circumſtances will admit, you will allot ſome part of the houſe for their reception, ſeparate from inmates of ſuſpicious character and diſorderly behaviour.

As to other objects of permament relief, ſuch as the blind, the lame, &c. pariſhes will of courſe be guided by the circumſtances of each caſe, which can alone determine the propriety of relieving them at home, in the boſom of their own families, or of receiving them into their workhouſe.

The objects of caſual relief are thoſe viſited by ſickneſs or deſtitute of employment. In neither

neither caſe ſhould reception into the work-houſe be haſtily thought of:—becauſe, to force a family into the workhouſe when their inability to provide for themſelves has neither proceeded from their own fault, nor is likely to be of long continuance; to break up their little domeſtic eſtabliſhment, to ſieze, as is the practice, I know not by what authority, on the furniture and moveables, which they have, perhaps, by unrelenting induſtry and parſimony, during a long courſe of years, been able to get together:—to do this, Gentlemen, is irretrievably to break the ſpirits of the head of that family, to drive him to deſpair, and to make him callous and indifferent as to his future deſtiny: and you will, I believe, find by experience, that men in theſe circumſtances, if they be enabled to quit the houſe, are, in general, in a ſhort time, driven to it again; and that very rarely do they recover their former vigour of mind, or their former active induſtry. In caſes of ſickneſs you ſcarcely need be reminded, that medical as well as pecuniary aſſiſtance is neceſſary. Perhaps the beſt way of doing this is by contract; and if you contract with men of eſtabliſhed reputation, regularly brought up

to the profeſſion, I truſt you will find ſuch contracts punctually and conſcientiouſly fulfilled. Still, wherever pariſhes do this or any thing elſe by contract, great vigilance and attention is requiſite on the part of the pariſh officers to ſee that the contractor does his duty.

But let me caution you againſt an error into which many pariſhes have fallen, by making ſuch contracts with men of a deſcription to be found in every part of the country, men without education, and deſtitute of real knowledge, ſelf-created doctors, as they are pleaſed to call themſelves, quacks and noſtrum-mongers:—ſuch men allow themſelves liberties in practice which no regular phyſician or apothecary ever ventures to aſſume;—they ſtrike what are called bold ſtrokes: the numbers that fall under their raſh experiments are conveyed without enquiry to the ſilent grave: but if, as will ſometimes happen, their raſhneſs is attended with ſucceſs, then their fame is trumpeted forth far and near. You will not do juſtice to your poor, if in their ſickneſs you put them into ſuch hands.

There is another circumſtance relating to your ſick poor, I think it incumbent upon me to mention: it does not appear to me ſufficient that you provide for them medicine, if you do not at the ſame time give full power to the medical attendant to regulate their diet, and unleſs you ſupply them with ſuch diet as he recommends. The diſorders to which this Iſle is peculiarly ſubject demand this attention: for the continual and frequent returns of theſe diſorders are in general occaſioned by the want of diet ſufficiently nouriſhing. Cut off by his illneſs from his uſual means of ſupport, relieved with a ſparing hand by his pariſh, the unhappy ſufferer, though he may by the help of medicine obtain an intermiſſion, is ever ſubject to frequent relapſes, which a more liberal relief might be the means of preventing, eſpecially if that relief was adminiſtered in kind, and the diet recommended ſupplied by the overſeers. This may appear to you novel, and tending to increaſe the expenſes of your pariſhes, but it would be found in the end to be true economy: for by thus accelerating the recovery of the ſick, and guarding them againſt relapſes, the additional

ditional expenſe would be more than compenſated by their continuing for a ſhorter time chargeable, and by your thus ſaving many who would otherwiſe have ſunk under the diſeaſe. Beſides, I hope it might gradually become the means of aboliſhing a very pernicious cuſtom, too prevalent among the poor, who, under the langour of ſickneſs have recourſe to ſpirits: a practice which aggravates their diſeaſes, and frequently brings them to an untimely death, leaving their families a laſting and heavy burden on their pariſhes.

Having mentioned the article of diet, I ſtrongly recommend to your attention the methods lately diſcovered of providing for the poor good, wholeſome, and nouriſhing ſoups, at a very cheap rate: theſe methods ſhould be adopted in all workhouſes, and from thence the ſick might occaſionally be ſupplied. You will find the manner of making theſe ſoups fully deſcribed in a book of eaſy purchaſe, entitled, "Reports of the Society for bettering the Condition of the Poor:"—this book contains ſo much uſeful information on diet, fuel, and various other

articles relating to the management of the poor, that no parish officer should be without it.

There still remains a class of objects, whose applications for relief are the most frequent and the most clamorous, and who occasion the most trouble to overseers, and bring the heaviest burdens on parishes; these are they whose wants are either fictitious, or if their indigence be real, it has been occasioned by a failure of industry in procuring the means of subsistence, or a failure of economy in expending them when procured; men, in short, whose want has arisen from idleness, intemperance, and profligacy. It is for the right management and ordering such persons that workhouses are necessary. I proceed to lay before you the powers entrusted to parish officers for the establishment and government of such houses.

The statute of 43 *Eliz.* gives them power "to hire or erect habitations for the impotent poor:" this power was much enlarged by a subsequent statute of 9 *Geo.* 1. which, "for the greater ease of parishes in the

"relief

" relief of the poor," enacts, " that it ſhall be " lawful for the churchwardens and overſeers, " with the conſent of the major part of the " pariſhioners, to purchaſe or hire any houſe " or houſes, and to contract with any perſon " for the lodging, keeping, maintaining, and " employing any or all ſuch perſons as ſhall " deſire to receive relief or collection, and " there to keep, maintain, and employ all " ſuch poor perſons, and take the benefit of " their work, labour, and ſervice." Under theſe two acts have your workhouſes been erected. That of *Eliz.* ſeems to have had in view only the comfort of the impotent and infirm: that of *Geo.* 1 provides for the reception of all objects. Now, Gentlemen, for a workhouſe completely to anſwer theſe ends, it ſhould be erected on a ſcale large enough to admit its being divided into three diſtinct wards. In the firſt ſhould be the ſchool of induſtry, where the children ſhould be lodged, inſtructed, and employed apart by themſelves: the ſecond ward ſhould be for the reception of the aged and infirm: and the third ſhould be the workhouſe, properly ſo called, where the idle and the profligate ſhould be kept to labour.

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There are two modes in which ſuch houſes may be conducted: the overſeers may purchaſe the neceſſary articles of conſumption; and where this is carefully looked to, I believe it to be the beſt and moſt economical way of proceeding. But as it is attended with great and conſtant trouble, the legiſlature has empowered the pariſh officers, with the concurrence of the veſtries, to provide for their poor by contract. This is a very extenſive power, and has in practice been carried to great lengths, and ſuch as I apprehend the legiſlature never had in view. The more uſual mode of contracting is an agreement, by which the contractor engages to maintain ſuch perſons as the pariſh officers may think fit to place in the workhouſe, at a certain weekly price per head. This ſpecies of contract appears to me neither reprehenſible in the mode, nor difficult in the execution: the intereſts of the pariſh are ſufficiently guarded, by the overſeers being obliged to have the conſent of the veſtry to the terms of the contract: and if due caution be taken to ſtipulate for a determinate and regular courſe of diet, a table of which ſhould be hung up in the houſe, and the overſeers ſhould frequently

quently viſit to ſee it duly obſerved, I ſee no danger of the poor being oppreſſed or ill treated: but there has ariſen, from the very words of the ſtatute, another ſpecies of contract, improvident, as it ſeems to me, in its nature, and in its conſequences deſtructive of every uſeful regulation. The words of the ſtatute, as you have ſeen, empower overſeers, with the conſent of the pariſhioners, to contract for the lodging, keeping, maintaining, and employing all their poor; now, under colour of this power, contracts are made, not for doing this for ſuch numbers as the overſeers may place in the workhouſe, and that at ſo much per head: but for all that ſhall become chargeable either in or out of the houſe, for one groſs ſum, for the whole year. Such contracts I have found eſtabliſhed in the part of the Iſle I inhabit, I know not whether they have gained ground in this. Now, ſuch contracts are, in the firſt place, improvident, for no forecaſt or ſagacity can enable you to foreſee what ſum will be neceſſary for the maintenance of the poor for a whole year to come: if the ſum be fixed too high, you betray the intereſts of the pariſh, if too low, either the poor muſt be oppreſſed or

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the contractor ruined. But the caſual loſs of the pariſh, or of the contractor, is a very ſecondary object: the great evil is that ſuch contracts defeat every rational and conſiſtent ſcheme for the management and relief of the poor. It is a uſual article in theſe contracts, that the contractor ſhall not be obliged to make any allowance to the poor out of the houſe but in a very limited proportion, and for a very ſhort time; nor to furniſh any cloathing but to thoſe in the houſe: hence, were it not for the interference and controul of the magiſtrates, the poor would be delivered up without protection into the hands of a mercenary ſubſtitute. The pariſh officer rejoices to be rid of what he deems a burden; he refers every application to the contractor, who has one general anſwer, "Come into the houſe and you ſhall be taken care of." And in truth the eſtabliſhment of workhouſes was ſo much countenanced by the legiſlature, that for a long period theſe contractors had an unlimited power: for the ſtatute before cited of *Geo.* 1. enacts, "that any pauper refuſing "to be lodged, maintained, and employed in "ſuch houſes, ſhall not be entitled to receive "any collection from the pariſh officers."

Thus,

Thus, Gentlemen, was the controul of the magiſtrates taken away, while the diſcretionary power, which overſeers ſhould exerciſe under the direction of the pariſhioners, was voluntarily given up. A writer, to whoſe labours the acting magiſtrates and the community at large are much indebted, has long ſince obſerved, "that the above-"mentioned ſtat. 9 *Geo.* 1. has been beneficial "in practice, but that the matter ſeemeth at "length to have been carried too far: the "overſeers in many places having found a "method of contracting with ſome obnoxious "perſon of ſavage diſpoſition for the main-"tenance of the poor: not with any intention "of the poor being better provided for, but "to hang over them *in terrorem*, if they will "not be ſatisfied with the pittance the over-"ſeers think fit to allow them." I think the effects of ſuch contracts as I have deſcribed are ſtill in ſome degree what this experienced and ſenſible writer has deſcribed them, and that they would be ſo in a much greater degree, were it not that later ſtatutes have granted new powers of controul to the magiſtrates: but I do not believe that ſuch contracts are ever now entered into upon the

motive the writer mentions. During upwards of twenty years that I have acted in the commiſſion I have never turned away a pauper unheard: where there appeared on his repreſentation any probable ground for his complaint I have confronted him with the pariſh officers: and the reſult has been, that the inſtances in which I have found it neceſſary to order relief have been comparatively few, and have borne no proportion to thoſe in which the complaint has turned out, upon examination, fictitious and unwarranted. It is with pleaſure I bear this teſtimony to the general humanity of pariſh officers. If they be charged with neglect, ignorance, and miſconduct, with acting without plan or fixed rule, it is a charge from which I cannot undertake to vindicate them; but from deliberate cruelty and oppreſſion I believe them to be free: and yet by theſe general contracts they, however unintentionally, add the latter evil to the former:—and it grew at length to ſuch a heighth as to draw the attention of the legiſlature, who by one act has ſubjected all workhouſes to the viſitation of the magiſtrates, with authority to make ſuch orders and regulations as they ſhall ſee neceſſary:—and a

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ſecond act has given them a diſcretionary power, on the complaint of any pauper, either to order him relief at his own home, or to direct him and his family to be received into the workhouſe, as, from the circumſtances of the caſe, they ſhall judge moſt expedient. Now this power entruſted with the magiſtrates, and which is ſo neceſſary as well to the due ordering of the poor in general, as to the protection of the ſober and induſtrious part of them, has materially interfered with ſuch contracts as I have been deſcribing. I have lately ſeen many inſtances in which the magiſtrates have thought themſelves in duty bound to order relief to ſober and induſtrious families at their own houſes, notwithſtanding that ſuch relief brought on the pariſhes an additional, and as they were inclined to think, an unneceſſary burden, they having contracted for a given ſum for the maintenance of all their poor, and the contractor having ſtipulated on his ſide, that no relief either in money or cloathing ſhould be granted to any one out of the houſe but by his conſent. I might enlarge much further on the ill conſequences of ſuch improvident and injudicious contracts, but I ſhall content

myſelf with publickly declaring, and I am confident I am ſpeaking the ſentiments of my worthy brethren as well as my own, that if pariſhes will perſiſt in this method of farming their poor as it is termed, the magiſtrates of the Iſle will always exerciſe the diſcretionary powers veſted in them without regard to the expenſe it may occaſion to the pariſhes.

I return, Gentlemen, to the proper and principal uſe of workhouſes:—they are the neceſſary receptacles of the idle and profligate poor:—the wants of ſuch are frequently real, though occaſioned by their own miſconduct. If you relieve theſe wants at their own houſes, you but increaſe their importunity, encourage their idleneſs, and furniſh them with the means of intemperance and exceſs: your ſupplies are in a great meaſure diverted from the ſupport of their families, and expended in drunkenneſs and debauchery, and you only give occaſion to freſh wants and freſh applications. There is, Gentlemen, a law enacted a few years ſince, which as far as my experience reaches, remains a dead letter: for I never yet met with a pariſh officer who had the ſpirit and reſolution to put it in execution.

tion. By a ſtatute of the 32d of his preſent majeſty, it is enacted, "that if it ſhall be made "to appear to any two juſtices, that any poor "perſon has not uſed proper means to get "employment; or if he be able to work, by "his neglect of work, or by ſpending his "money in alehouſes, or in any other im-"proper manner, has not applied a proper "proportion of the money earned by him "towards the maintenance of his wife and "family, by which default they or any of "them have become chargeable, he ſhall be "conſidered and puniſhed as an idle and "diſorderly perſon." This is a very whole-ſome law, and if ſteadily executed would go far to produce a reform: but if pariſh officers wiſh to begin with gentler methods, and to receive ſuch into their workhouſe, let them take care that their workhouſe be ſuch not only in name but in reality. The means to be uſed for accompliſhing this muſt depend on local circumſtances: but means ſhould every where be deviſed that it may be accompliſhed. The profit ariſing to the pariſh from their labour is the leaſt conſideration: the great object is that the idle and the profligate may be kept to labour: till this be done your

workhouſes

workhouſes will always be filled with numbers, who, dead to ſhame and to every generous and manly ſentiment, will be contented to eat, at your expenſe, the bread of idleneſs. If your poor are maintained by contract at ſo much per head, I would recommend your allowing to your contractor, as part of his ſtipend, the earnings of the poor, that he may be induced to keep them cloſe to work;—but ſubject to a deduction of a ſmall proportionate part to be given to each pauper as an encouragement and reward of induſtry. And if you can attain the very deſirable end of making your workhouſes real ſeats of labour, you will ſoon experience, that the idle and the diſſolute, finding they muſt work, will eaſe you of a burden which now lies heavy on every pariſh, and will rather chooſe to work for themſelves than for you.

I forbear, Gentlemen, to ſpeak of the caſe of thoſe whoſe diſtreſs really ariſes from the want of employment, becauſe, though I found ſuch caſes frequently happening in the county, I have not ſeen a ſingle inſtance of them during my reſidence in the Iſle, where I believe

I believe the number of labourers is ſcarcely equal to the cultivation of the land.

If, Gentlemen, I have endeavoured to engage your attention for an unuſual length of time, the importance of the ſubject will be my excuſe. The inefficacy of the poor laws, and the neceſſity of adopting an entire new ſyſtem, are opinions which have of late been induſtriouſly propagated, and have been ſupported by men of the higheſt rank and moſt reſpectable character: but I hope I may add, without offence, that from their rank in life, they have had neither leiſure nor opportunity to ground their opinions on the ſolid baſis of experience. The natural conſequence of the prevalency of ſuch opinions will be the hazarding the experiment of ſome new ſyſtem. Firmly attached, Gentlemen, to the laws and conſtitution of my country, I view with dread and apprehenſion every ſuch attempt. I do not pretend to affirm that our laws are abſolutely perfect, becauſe abſolute perfection is the attribute of no human code:—but I conſider their great outlines to have been traced with wiſdom, and their general expediency to have been proved by experience.

I hold

I hold them to be capable of gradual improvement, but that improvement ſhould be attempted with ſlow and cautious ſteps: and haſtily and totally to reverſe any part of the ſyſtem appears to me pregnant with greater evils than any which now exiſt. In the caſe of the poor laws, the exiſting evils have proceeded from their want of execution. I have, therefore, ſhewn you, that the only adequate remedy to theſe evils, is for men of character and ability in every pariſh to take an active part in parochial concerns, and to accept of parochial offices, and by their knowledge and influence to bring the management of their poor to a ſtrict conformity with the rules preſcribed by the ſtatutes: and I ſhall be happy if what I have ſaid ſhould induce you ſpeedily and heartily to unite your endeavours in applying this remedy.

REMARKS

ON

MR. SAUNDERS OBSERVATIONS

ON THE

PRESENT STATE AND INFLUENCE

OF THE

Poor Laws.

REMARKS

ON

MR. SAUNDERS'S OBSERVATIONS

ON THE

PRESENT STATE AND INFLUENCE

REMARKS.

" Liberal and fair diſcuſſion are indiſpenſably
" neceſſary to bring us to the great object of
" all our wiſhes."

Mr. SAUNDERS Preface, p. xi.

IN the foregoing Charge I have attempted to ſhow, that whatever abuſes may exiſt in the management of the poor, they are not to be imputed to the inefficiency, but to the neglect of the laws: that no new ſtatutes are requiſite to remedy theſe abuſes, but that nothing further is neceſſary than to recall the attention of the reſpectable inhabitants of every pariſh to the true ſpirit and meaning of the laws now exiſting, and to engage them

to unite in enforcing a ſtrict and punctual obſervance of them. But the attempt will be deemed injudicious; and the effect of my exhortations, ſhould they have the fortune to engage the public attention, muſt prove pernicious inſtead of ſalutary, if Mr. Saunders repreſentation of the preſent ſyſtem of poor laws be juſt, and, as he declares in his title page, founded on experience. He does not heſitate to maintain, that " by every attempt at being " liberal to the poor on the preſent ſyſtem, " we ſhall render their ſituation more deplo- " rable, and at the ſame time increaſe the " public expenſe and means of peculation:" and that " millions collected for the relief of " the indigent has increaſed their number, " poverty, and wretchedneſs in a ratio nearly " equal to the increaſe of rates." Though I do not admit the juſtneſs of this repreſentation, which to me appears highly exaggerated, yet as we both agree that abuſes do exiſt, I ſhall confine myſelf to the conſideration how it has happened that we ſo widely differ in tracing the ſources of them:—while I aſcribe them to the general neglect and violation of the laws, he judges them to be altogether owing to the inefficiency of our preſent code: " inſtead,"

ſays

ſays he, "of imputing blame to the overſeer, "the fault is to be aſcribed to the ſyſtem." Now the main defect of this ſyſtem, according to Mr. Saunders, lies in "the very great "powers granted to an overſeer, extremely "different from what has ever been put into "the hands of an individual in any other "public or private capacity." He tells us, "he has acquired a competent knowledge of "the duties of an overſeer," whom he aſſerts, "to be authoriſed to demand any ſum or "ſums of money from the pariſh, which he "receives and expends without any inter-"vening check or controul."

Thus does this well meaning writer incautiouſly miſlead the judgement of the public:—the reſpectability of his character, the benevolence of his diſpoſition, and the activity of his mind, qualities diſcernible throughout his work (I have not the honour of knowing him perſonally) cannot but give weight to his ſentiments, which, if generally adopted, would lead to the total repeal of the preſent, and the introduction of an entire new ſyſtem of poor laws. I conſider ſuch a meaſure as extremely hazardous; and am

thence

thence induced to controvert the validity of his opinion, and to enter into the diſcuſſion he ſo candidly invites. The great error into which Mr. Saunders appears to me to have fallen, is, that he has along ſuppoſed, that whatever overſeers in particular places have done, they might legally do; and that he has formed his notion of the office, not from the ſtatute book, but from the practice of the town of Lewiſham. I ſhall briefly compare the powers entruſted by ſtatute to an overſeer with thoſe aſcribed to him by Mr. Saunders: and, unleſs I am greatly miſtaken, the reſult of the compariſon will be, that we ſhall find every avenue to miſmanagement, fraud, and peculation, already carefully and ſufficiently guarded, and an adequate remedy to every exiſting abuſe already provided.

Mr. Saunders conſiders every individual overſeer as authoriſed to demand from the pariſh what ſum or ſums of money he pleaſes: but the power of making and levying rates is not veſted in the individual, but in the churchwardens and overſeers jointly, and the concurrence of the major part of them is requiſite to the validity of the rate: neither is

this

this joint power without its limits, for, ſuppoſing pariſh officers ſhould attempt to raiſe exorbitant ſums, exceeding the exigencies of the pariſh, an appeal would lie againſt the rate, and its exceſs would be a ſufficient reaſon for the court to quaſh it. But whatever abuſes may have crept in, I believe this in general has not been of the number: there are few places where, when they meet on the ſubject of a rate, "the overſeer has to con-"tend for leſs than the inhabitants wiſh to "give him:" in the part of the kingdom with which I am acquainted, very many pariſhes have taken upon them to abridge even the legal powers of their officers, and rates are rarely made till after the money has been expended.

This expenditure does not reſt, as Mr. Saunders repreſents it, on the arbitrary will of the overſeer without any intervening check or controul: for the powers entruſted in this reſpect to a pariſh officer are very limited; all contracts muſt have the ſanction of the pariſhioners, and relief cannot legally be granted to individuals but by conſent of veſtry or order of a magiſtrate. Mr. Saunders,

when

when in office, with great propriety fixed one day of the week for hearing the applications of the poor at the church: and if he took the opinions of ſuch pariſhioners as attended, in determining on their ſeveral caſes, his conduct was ſtrictly legal, and the expenditure under the controul directed by the ſtatute. But while Mr. Saunders ſeems thus, in the body of his work, to admit the exiſtence of this controlling power, he manifeſtly conſiders it as nugatory and inefficient, becauſe, "as far as his information goes, even "this defined line of duty is never executed "as the act directs." If Mr. Saunders had ſhown that efforts have any where been made to enforce the execution of this ſtatute, and that ſuch efforts have neceſſarily proved ineffectual, either from ſome ambiguity in the words of the law, or from ſome difficulty in putting it in force, unforeſeen and unprovided for by the legiſlature, then his concluſion would have been juſt. But when the continuance of the evil is ſolely owing to the acquieſcence of the parties intereſted in its removal, while pariſhes, through ignorance or indolence, ſuffer the laws to remain a dead letter, without a ſingle endeavour to carry

them

them into execution, the blame is to be imputed to themſelves: and the ſame torpidity which renders the preſent ſyſtem ſo liable to abuſe, would equally counteract the ends propoſed by any new regulations, and defeat the good purpoſes for which they were intended.

Mr. Saunders has, however, indirectly aſſigned another reaſon for ſuppoſing the expenditure of an overſeer to be without check or controul; and this is the total impracticability of rectifying any errors, whether voluntarily or unintentionally, made by him in his accounts: for if he can there charge what he pleaſes, without a poſſibility of any article being diſallowed, a wide door is indeed opened for the groſſeſt peculation. "The accounts," Mr. Saunders ſays, "muſt "paſs, as a matter of courſe, before a veſtry." I agree with him that the veſtry has no power to alter or correct them. The cuſtom of laying the accounts before the veſtry is very ancient and very commendable; but to the beſt of my recollection is not expreſsly enjoined by law. By the ſtatute of 43 *Eliz.* overſeers are required, within four days after the expiration of their year, to make and yield

unto two juſtices a true and perfect account: and by a ſubſequent ſtatute of 17 *Geo.* 2. it is enacted, that they ſhall, within fourteen days after other overſeers are appointed, deliver to their ſucceſſors a juſt and true account, ſigned by themſelves, and verified upon oath before one juſtice; to which accounts every one aſſeſſed may have acceſs, and at a given rate have copies of the ſame. I grant to Mr. Saunders, that in the verification of ſuch accounts, the magiſtrate acts miniſterially and not judicially, and that if the overſeer offers to ſwear to their being true and juſt, the magiſtrate muſt allow them, or if he refuſes will be compelled to it by mandamus. Still an appeal lays to the Quarter Seſſions: but this Mr. Saunders calls "a Quixotical mode too "abſurd to have been often practiſed," becauſe, as he thinks, "the whole *onus probandi* "will fall on the appellant, and the overſeer, "being the defendant, cannot have much to "fear from the inveſtigation of accounts only "known to himſelf." But here, I apprehend, the worthy gentleman is totally miſtaken. The mode of proceeding on appeals to overſeers accounts is, as far as my experience has reached, conſonant to that followed on appeals

to

to orders of removal, wherein the *onus probandi* is always thrown on the reſpondent, who is bound to ſhow that the party removed is legally ſettled in the appealing pariſh. So in an appeal to an overſeer's accounts, the overſeer, who is the reſpondent, would be bound to prove that the ſums objected to had not only been really and bona fide expended, but had been alſo expended in a legal manner, in purſuance to the directions and under the reſtrictions impoſed by the ſtatute. An appeal would therefore afford an adequate remedy to the grievance, and would probably be effectual in preventing the repetition of like abuſes. In caſe of the non-obſervance of the ſtatute of *William* and *Mary*, the offending overſeer might be ſummarily puniſhed by recovering before two juſtices the penalties he has incurred.

I leave it now to the public to judge between us, and to decide whether I am miſtaken in maintaining the ſufficiency of our preſent ſyſtem of poor laws to every uſeful and practical purpoſe: only adding, that I appeal to Mr. Saunders own publication for a corroboration of my opinion. Let the reader

attentively peruſe the narration of his proceedings as overſeer of Lewiſham; he will there ſee, and juſtly applaud, the reform produced by his very meritorious exertions: let it be remembered that this reform was accompliſhed under the preſent ſyſtem, which, when carried into execution with firmneſs and integrity, proved fully adequate to the remedy of abuſes. Mr. Saunders tells us, that, "many reſpectable characters in the "pariſh uniformly and invariably honored "him with their ſupport and confidence," and "that he owed to their diſintereſted zeal "for the relief of the poor, his having been "able to overcome the impotent but active "exertions of ſome obſcure individuals:" that "there prevailed amongſt the gentlemen "a diſintereſtedneſs of conduct, and uni-"formity of ſentiment, with reſpect to the "affairs of the poor." It therefore appears to me, that nothing more could be neceſſary to enſure permanency to the reform introduced by Mr. Saunders, than the exertion of this influence in directing the choice of proper perſons to be his ſucceſſors, and in giving them the ſame liberal and effectual ſupport as they had before done to Mr. Saunders.

I would

I would not, however, be underſtood to controvert the propriety of ſuch regulations as might advantageouſly be introduced in ſo popular a place as Lewiſham, though altogether impracticable in the country at large. Such extenſive pariſhes appear to me peculiarly to require local ſtatutes for their government: and if I were an inhabitant of Lewiſham, I ſhould ſuggeſt to the pariſhioners the expediency of applying to parliament for an act for the better management and ordering of their poor: as I am perſuaded that in ſuch pariſhes, the powers now veſted in the pariſhioners at large ought to be transferred to a ſelect veſtry.

Had Mr. Saunders confined himſelf to the framing a bill for that purpoſe, I ſhould never have intruded my opinion on the ſubject, but ſhould have left it to the conſideration of thoſe more immediately intereſted to decide upon its propriety. But from a ſhort adminiſtration of the affairs of one pariſh, he has ventured to conſider that pariſh as affording an adequate repreſentation of the whole kingdom: he ſtates, that "the general manage-
"ment of the poor at Lewiſham has always
"been

"been fully as good as that of any other "place he knows:" and that "although he oc-"caſionally quotes this pariſh as an inſtance "of imperfection in the preſent ſyſtem, he "could, perhaps, ſcarcely have met with a "leſs ſtriking proof of the arguments he has "advanced." In this I muſt beg leave to differ from him:—large pariſhes are always inſtances either of the beſt or the worſt management:—in large pariſhes there is no difficulty in ſelecting proper perſons for parochial offices, and when this is done, their affairs are well conducted, of which we have a ſignal example in Mr. Saunders narrative of his own proceedings as overſeer; but if, as is too generally the caſe, they appoint their officers by rotation, without regard to character and abilities, and abandon the whole management of their poor to ſuch officers, without the exerciſe of the controul veſted in their collective body, abuſes will multiply in a much higher proportion than in ſmaller pariſhes; ignorance and inattention to their duty will be productive of greater evils, and fraud and peculation will be practiſed with leſs hazard of detection. Such, I apprehend, was what Mr. Saunders terms the old ſyſtem

at

at Lewiſham:—for he tells us, that "when "he took the office of overſeer, he ſtood on "independant ground, and was determined "to maintain it; that he had not a party to "eſpouſe, a tradeſman or a publican to favor "with a job or a pariſh dinner, an adherent to "give an appointment to, or a motive that "could induce him to act with partiality." This declaration ſufficiently ſhews what Mr. Saunders conſiders to be the common method of managing the concerns of the poor; "one of the many evils ariſing from which," he ſays, "is this, that no perſons of upright "intentions can compromiſe or act in con-"cert with thoſe, who, loſing ſight of the "relief of the really indigent, employ the "rates in the payment of jobs, &c." I do not diſpute but that theſe evils may have exiſted in their fulleſt extent at Lewiſham, it cannot however from thence be inferred that they are common to every pariſh throughout the kingdom; much leſs is it a juſt inference, that they are neceſſary and inevitable conſequences of the preſent ſyſtem of poor laws. I conſider very large and populous pariſhes as forming a diſtinct claſs from the reſt of the kingdom, peculiarly liable to abuſe in the

management

management of their poor, and as capable of receiving the greateſt advantages from new regulations adapted to their peculiar circumſtances.—General laws muſt be ſuited to general circumſtances: and the inſtance of a ſingle pariſh, differing in many reſpects from the generality of pariſhes, "cannot be con-"ſidered as a right criterion of judging," nor can the management of the poor, which heretofore prevailed at Lewiſham, be admitted as a fair picture of what is paſſing in the thirteen thouſand pariſhes of England. There does not exiſt in pariſhes in general "a combination of intereſted people, that "multiply all the difficulties that are to be "encountered, and by a perſeverance, en-"couraged by ſelf intereſt, overcome by "degrees the honorable efforts of thoſe who "have not ſo ſtrong a point of union:" nor is it common "to ſee the greateſt rivals "united at a veſtry to vote away the poors "money in jobs." The poor laws are too little underſtood, and too little attended to by pariſh officers, and hence have ariſen much miſtake and error in their management of the poor: but the miſtake is more commonly involuntary, and the error unintentional:

intentional: their diſpoſitions are good, and they want only to be informed and inſtructed. In a very large part of the kingdom all pariſh offices are filled by the tenantry and yeomanry, a moſt reſpectable and uſeful body of men: in whom, whatever new regulations may be introduced, or whatever new plans eſtabliſhed, the execution of them muſt ultimately be veſted. It is a fruitleſs expectation to hope to find any other ſet of perſons, ſufficiently numerous, or ſufficiently active, to aſſume the management to their excluſion. They are not in the habits "of forming "combinations for intereſted purpoſes, and "thereby creating a great obſtacle to the "interference of gentlemen in the concerns "of the poor:" many of them poſſeſs "a "manly and diſintereſted ſpirit of indepen-"dence," which wants only to be inſtructed how it may beſt act "in the cauſe of diſtreſs "and miſery;" with ſuch the interference of gentlemen reſident among them would be gladly and thankfully received. If the experiment were generally tried, they would be found to liſten to inſtruction, and to follow advice: and an effectual reform might be accompliſhed without any

alteration of the exiſting laws. For the probability of thus effecting ſuch a reform I again appeal to the example of the pariſh of Lewiſham, where, under very diſcouraging circumſtances, and ſuch as can exiſt only in pariſhes comparatively few in number, the reform was ſo effectually accompliſhed as to leave little riſk of its reverting to its old ſyſtem. Mr. Saunders ſuppoſes himſelf "the "firſt author that has ſubmitted his theoretical "opinions to the teſt of experience:" but ſurely he is here miſtaken: whatever there is practical in his book, all that he ſo laudably did at Lewiſham was done under the authority of the preſent ſtatutes, and I cite it as a convincing and irrefragable proof, that "the "affairs of the poor may in future be better "regulated, their morals and habits of in-"duſtry greatly improved, and a conſiderable "reduction of the poor rates effected," under the very ſyſtem he ſo ſeverely condemns, and to which he ſo determinately attributes every exiſting abuſe. His theory remains untried, nor can his plan be carried into execution without the intervening authority of the legiſlature. I ſhall not enter into the detail of the plan propoſed by Mr. Saunders: becauſe

becauſe if it be not neceſſary, it cannot be expedient: neceſſity alone can juſtify the total alteration of any part of our laws.

In a country, to whoſe principles and practice I am perſuaded Mr. Saunders is equally abhorrent as myſelf, innovation has had a full trial, and the reſult of the experiment does not invite the imitation of any neighbouring people. Yet I doubt not there were very many in that country, at the beginning of the revolution, actuated by the pureſt motives, but led away by ſpecious theories, the ultimate effects of which were unforeſeen by the authors themſelves: and I have ever been of opinion, that the facility with which ſuch theories were adopted, did, in part, ariſe from the incautious conduct of the fluctuating adminiſtrations of the laſt twenty years of that monarchy, who had all in their turns cheriſhed this ſpirit of innovation, and patroniſed, and afterwards as haſtily abandoned, ſundry ſchemes of reform. A material change in any one branch of the laws cannot be hazarded without danger: the more it effects the general intereſts of any conſiderable part of community, the more imminent the danger,

danger, and the more extenſive the evils to be dreaded from the innovation. Every attempt of the kind alarms my apprehenſions, and excites my fears: and to every ſuch propoſal I would it ſhould be anſwered, in the words of our anceſtors, NOLUMUS LEGES ANGLIÆ MUTARI.

I am not unmindful of the ſundry authorities Mr. Saunders has endeavoured to allege in ſupport of his opinion: that opinion however, ſtill remains his own, "materially "different in ſome reſpects from any hitherto "propoſed." And as he holds "that parliament "does not poſſeſs the means of legiſlating with "effect in improving the poor laws," and he alſo allows, "that not even the abilities of "the Chancellor of the Exchequer could "graſp the detail of all the neceſſary regu"lations;" I ſincerely wiſh he would content himſelf with continuing his exertions, hitherto ſo fortunately and ſo judiciouſly made, in giving force and efficacy to the laws now exiſting. I have before obſerved, that Mr. Saunders is known to me only from his publication: an attentive peruſal of which has inſpired me with veneration for the benevolence

benevolence and true patriotiſm of his character, and admiration of the ſtrength and vigour of his mind. But I regret, that through a haſty judgement on a ſyſtem, with which he appears to me not to have been thoroughly acquainted, and of which his opinion has been formed from obſervation of the common and erroneous practice, rather than from the ſtatutes, his talents have been miſapplied. We are both engaged in the ſame cauſe, and with the ſame intentions: and I have a full reliance on his candor, that he will impute this public oppoſition to his ſentiments, to a ſincere deſire in me to promote the common objects of all our wiſhes, the comfort and relief of the real indigent, the increaſe of induſtry, the ſupport of religion and morality, and the general happineſs and welfare of the realm.